



Order Filed on October 29, 2021  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**Caption in Compliance with D.N.J. LBR 9004-2(c)**

Friedman Vartolo LLP  
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T: (212) 471-5100  
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Attorneys for Fay Servicing, LLC as servicer for U.S.  
Bank Trust National Association, not in its individual  
capacity, but solely as Trustee of LSRMF MH Master  
Participation Trust II

In Re:

Peter-Donnell Boynton

Debtor(s)

Case No.: 19-28636-MBK

Chapter: 13

Hearing Date:  
October 27, 2021, at 9:00 AM

Hon. Judge:  
Michael B. Kaplan

**ORDER RESOLVING MOTION TO VACATE STAY**

The consent order set forth on the following pages, numbered two (2) through three (3), is hereby  
**ORDERED.**

**DATED: October 29, 2021**

A handwritten signature of Michael B. Kaplan in black ink, written over a horizontal line.  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

Applicant: Fay Servicing, LLC as servicer for U.S. Bank Trust National  
Association, not in its individual capacity, but solely as Trustee of  
LSRMF MH Master Participation Trust II  
Applicant's Counsel: Friedman Vartolo LLP  
Debtor's Counsel: Thomas J Orr  
Property (Collateral): 14 Manor Dr., Neptune, NJ 07753  
Relief Sought:  
• Relief from Automatic Stay

For good cause shown, it is **ORDERED** that Applicant's Motion is resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☐ The Debtor(s) is/are overdue for \_\_\_\_ months, from \_\_\_\_\_ to \_\_\_\_\_.
- ☐ The Debtor(s) is/are overdue for \_\_\_\_ payments at \_\_\_\_\_ per month.
- ☐ The Debtor(s) is/are due for \_\_\_\_\_ in accrued late charges.
- ☒ The Debtor(s) is/are due for \$400.00 in attorney's fees and costs.
- ☒ Applicant acknowledges suspense funds in the amount of \$215.38

Total Arrearages Due: \$184.62

2. Debtor(s) must cure all post-petition arrearages, as follows:

- ☐ Immediate payment shall be made in the amount of \_\_\_\_\_. Payment shall be made no later than \_\_\_\_\_.
- ☒ Beginning on November 1, 2021, regular monthly mortgage payments shall continue to be made per the terms of the Note, Mortgage or payment change notice.
- ☒ On October 1, 2021 a mortgage payment shall be made in the amount of \$1,868.15.
- ☐ The amount of \_\_\_\_\_ shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address:

Payments: Fay Servicing, LLC  
PO Box 814609  
Dallas, TX 75381

4. In the event of default:

☒ Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ In the event the Debtor(s) converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtor(s) fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorney's Fees:

The Applicant is awarded attorney's fees of \$400.00 and costs of \$0.00.

The fees and costs are payable:

- ☒ Attorney's fees and costs have been included in the Consent Order.
- ☐ Through the Chapter 13 plan. The fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.
- ☐ To the Secured Creditor within \_\_\_\_\_ days
- ☐ Attorney's fees are not awarded.
- ☐ Movant reserves its right to file a Post-Petition Fee Notice for fees and costs incurred in connection with the Motion for Relief.

In re:  
Peter-Donnell Boynton  
Debtor

Case No. 19-28636-MBK  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-3  
Date Rcvd: Nov 01, 2021

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 03, 2021:

Recip ID	Recipient Name and Address
db	+ Peter-Donnell Boynton, 14 Manor Drive, Neptune, NJ 07753-3525

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 03, 2021

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 1, 2021 at the address(es) listed below:

Name	Email Address
Albert Russo	docs@russotrustee.com
Albert Russo	on behalf of Trustee Albert Russo docs@russotrustee.com
Brian C. Nicholas	on behalf of Creditor U.S. BANK TRUST N.A., AS TRUSTEE FOR LSRMF MH MASTER PARTICIPATION TRUST II bnicholas@kmlawgroup.com, bkgroup@kmlawgroup.com
Denise E. Carlon	on behalf of Creditor U.S. BANK TRUST N.A., AS TRUSTEE FOR LSRMF MH MASTER PARTICIPATION TRUST II dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Jerome B. Blank	on behalf of Creditor U.S. BANK TRUST N.A., AS TRUSTEE FOR LSRMF MH MASTER PARTICIPATION TRUST II nj.bkecf@fedphe.com

District/off: 0312-3

User: admin

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Date Rcvd: Nov 01, 2021

Form ID: pdf903

Total Noticed: 1

John R. Morton, Jr.

on behalf of Creditor HYUNDAI CAPITAL AMERICA [ecfmail@mortoncraig.com](mailto:ecfmail@mortoncraig.com) [mortoncraigecf@gmail.com](mailto:mortoncraigecf@gmail.com)

Jonathan C. Schwalb

on behalf of Creditor Fay Servicing LLC as servicer for U.S. Bank Trust National Association, not in its individual capacity, but solely as Trustee of LSF10 Master Participation Trust [bankruptcy@friedmanvartolo.com](mailto:bankruptcy@friedmanvartolo.com)

Jonathan C. Schwalb

on behalf of Creditor Fay Servicing LLC as servicer for U.S. Bank Trust National Association, not in its individual capacity, but solely as Trustee of LSRMF MH Master Participation Trust II [bankruptcy@friedmanvartolo.com](mailto:bankruptcy@friedmanvartolo.com)

Maria D. Ramos-Persaud

on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper [mramos-persaud@grosspolowy.com](mailto:mramos-persaud@grosspolowy.com),  
[ecfnotices@grosspolowy.com](mailto:ecfnotices@grosspolowy.com)

Sindi Mncina

on behalf of Creditor U.S. BANK TRUST N.A., AS TRUSTEE FOR LSRMF MH MASTER PARTICIPATION TRUST II  
[smncina@raslg.com](mailto:smncina@raslg.com)

Steven P. Kelly

on behalf of Creditor U.S. BANK TRUST N.A., AS TRUSTEE FOR LSRMF MH MASTER PARTICIPATION TRUST II  
[skelly@sterneisenberg.com](mailto:skelly@sterneisenberg.com), [bkecf@sterneisenberg.com](mailto:bkecf@sterneisenberg.com)

Thomas J Orr

on behalf of Debtor Peter-Donnell Boynton [tom@torrlaw.com](mailto:tom@torrlaw.com) [xerna@aol.com](mailto:xerna@aol.com); [orrtr87054@notify.bestcase.com](mailto:orrtr87054@notify.bestcase.com)

U.S. Trustee

[USTPRegion03.NE.ECF@usdoj.gov](mailto:USTPRegion03.NE.ECF@usdoj.gov)

TOTAL: 13